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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 DARIN JEROME GATSON,

9 Petitioner,

10 v.

11 JEFFREY A. UTTECHT,

12 Respondent.

CASE NO. C19-1452-JCC-BAT

**ORDER GRANTING MOTION TO
AMEND PETITION AND
DIRECTING SERVICE**

13 Petitioner proceeds pro se in this habeas corpus action brought pursuant to 28 U.S.C. §
14 2254. By order dated October 7, 2019, this Court directed service of the petition for writ of
15 habeas corpus. Dkt. 13. Respondent has not yet filed a responsive pleading. Petitioner now
16 moves to amend his petition to add an additional habeas ground. Dkt. 14. Because the respondent
17 has not yet filed a responsive pleading, petitioner may amend his petition “as a matter of course,”
18 i.e., without seeking leave of the Court. *See Mayle v. Felix*, 545 U.S. 644, 655 (2005).

19 Accordingly, petitioner’s motion (Dkt. 14) is GRANTED. The petition (Dkt. 8) and the
20 amendment to the petition (Dkt. 14) shall together constitute the amended habeas petition and the
21 clerk is directed to docket them together as such. It is further ORDERED:

22 **SERVICE**

(1) The Clerk shall send respondent and the Attorney General of the State of Washington, via the e-mail service protocol, copies of the amended petition (consisting of Dkts. 8 and 14 together as described above), all documents in support thereof, and this Order. *See* General Order 06-16. Petitioner is currently incarcerated in a facility operated by the Washington State Department of Corrections and is therefore subject to the Court's Mandatory E-Filing Initiative under General Orders 02-15 and 06-16.

ANSWER OR OTHER RESPONSE

(1) Within ***45 days*** of being served, respondent shall file and serve either an answer or other response such as a dispositive motion or a motion to stay proceedings. An answer must conform with Rule 5 of the Rules Governing Section 2254 Cases, and also indicate whether an evidentiary hearing is necessary.

(2) Respondent must note the answer or other response for the court’s consideration on the fourth Friday after filing. Petitioner’s response to the answer or other response must be filed and served no later than the Monday immediately before the Friday designated for consideration of the matter. Respondent’s reply must be filed no later than the Friday designated for consideration of the matter. Counsel shall deliver to the Clerk’s Office a paper copy of any electronically filed document that is more than 50 pages in length. The paper copy should be clearly marked “Courtesy Chambers Copy.”

MOTIONS

(1) Any request for court action must be made in a written motion that is properly filed, served, and noted in accordance with Local Rule CR 7. All arguments supporting a motion must be in the motion itself and not in a separate document. The caption of the motion must designate the date the motion is to be noted for the court's consideration.

(2) The parties may not communicate directly with the District Judge or Magistrate Judge regarding this case. All relevant inquiries, information and papers are to be directed to the Clerk.

(3) The Clerk is directed to send a copy of this Order to the parties.

DATED this 18th day of October, 2019.


BRIAN A. TSUCHIDA
United States Magistrate Judge